

**PERMIT NO. MIG589000**



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTEWATER DISCHARGE GENERAL PERMIT**

**WASTEWATER STABILIZATION LAGOON EFFLUENT**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4, and 1995-18, wastewater stabilization lagoon effluent is authorized to be discharged from facilities specified in individual "certificates of coverage" in accordance with effluent limitations, monitoring requirements and other conditions set forth in this general National Pollutant Discharge Elimination System (NPDES) permit (the "permit").

The applicability of this permit shall be limited to seasonal (spring/fall) discharges of sanitary or municipal wastewater which 1) have been adequately treated by a wastewater stabilization lagoon, 2) are not subject to the industrial pretreatment program requirements under the Michigan Act and Rules 323.2301 through 323.2317 of the Michigan Administrative Code (Part 23 Rules), and 3) have been determined by the Michigan Department of Environmental Quality (the "Department") not to need an individual NPDES permit. Aerobic lagoons, both mechanically aerated and non-mechanically aerated, which discharge treated sanitary wastewater are included. The lagoon system shall 1) meet accepted design criteria as determined by the Department, and 2) comply with secondary treatment standards for lagoon systems in Part I.A.1. and other requirements and limitations stated herein as specified in the certificate of coverage (COC). Discharges which may cause or contribute to a violation of a water quality standard are not authorized by this permit.

In order to constitute a valid authorization to discharge, this permit must be complemented by a COC issued by the Department. Among other information, the COC will specify if the total phosphorus limitation applies to the individual facility.

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Unless specified otherwise, all contact with the Department required by this permit shall be to the position indicated in the COC.

This general permit shall take effect **April 1, 2009**. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede NPDES Permit No. MIG589000, expiring April 1, 2009.

This general permit shall expire at midnight, **April 1, 2014**.

Issue August 27, 2008. Based in a request this permit was modified (minor) on October 15, 2008.

Original Permit Signed by Daniel Dell  
Daniel Dell, Acting Chief  
Permits Section  
Water Bureau

## PERMIT FEE REQUIREMENTS

In accordance with Section 324.3120 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by January 15 for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1.

In accordance with Section 324.3132 of the Michigan Act, the permittee shall make payment of an annual biosolids land application fee to the Department if the permittee land applies biosolids. In response to the Department's annual notice, the permittee shall submit the fee, which shall be postmarked no later than January 31 of each year.

## CONTESTED CASE INFORMATION

The terms and conditions of this general permit shall apply to an individual facility on the effective date of a COC for the facility. The Department of Labor and Economic Growth may grant a contested case hearing on this general permit in accordance with the Michigan Act. Any person who is aggrieved by this permit may file a sworn petition with the State Office of Administrative Hearings and Rules of the Michigan Department of Labor and Economic Growth, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Labor and Economic Growth may grant a contested case hearing on the COC issued to an individual facility under this general permit in accordance with Rule 2192(c) (Rule 323.2192 of the Michigan Administrative Code).

**PART I****Section A. Effluent Limitations And Monitoring Requirements****1. Final Effluent Limitations**

During the period beginning on the effective date of an individual COC under this general permit, and lasting until the expiration of this permit or termination of the individual COC, the permittee is authorized to discharge treated sanitary wastewater to the surface waters of the state of Michigan. Effluent shall be discharged during high flow conditions in the spring and fall of each year. There shall be no discharge from June 1 to September 30 and from January 1 to February 28/29. In addition, there shall be no discharge during periods of significant ice cover on the receiving stream unless authorized by the Department. Such discharge shall be limited and monitored by the permittee as specified below.

Discharges which occur during periods not authorized by this permit shall be reported as required by Part I.A.6.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>				<u>Maximum Limits for Quality or Concentration</u>				<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>7-Day</u>	<u>Daily</u>	<u>Units</u>		
Flow (see b. below)	(report)	---	(report)	MGD	---	---	---	---	Daily	Report Total Daily Flow
Biochemical Oxygen Demand (BOD <sub>5</sub> )			---	---	30	45	---	mg/l	see c. below	Composite
Total Suspended Solids										
Mar-May	---	---	---	---	70	100	---	mg/l	see c. below	Composite
Oct-Dec	---	---	---	---	40	45	---	mg/l	see c. below	Composite
Ammonia Nitrogen (as N)		---	---	---	(report)	---	---	mg/l	see c. below	Composite
Total Phosphorus (as P)---		---	---	---	(report)	---	---	mg/l	see c. below	Composite
					<u>Geometric Mean</u>					
					<u>Monthly</u>	<u>7-Day</u>				
Fecal Coliform Bacteria	---	---	---	---	200	400	---	cts/100 ml	see c. below	Grab
					<u>Minimum Daily</u>		<u>Maximum Daily</u>			
pH	---	---	---	---	6.5	---	10	S.U.	see c. below	Grab
Dissolved Oxygen	---	---	---	---	5.0	----	----	mg/l	Daily	Grab

- a. Narrative Standard  
The receiving water shall contain no turbidity, color, oil films, floating solids, foams, settleable solids or deposits as a result of this discharge in unnatural quantities which are or may become injurious to any designated use.
- b. Discharge Time Period  
If the Department determines that discharge periods of shorter duration than March 1 through May 31 and/or October 1 through December 30 are necessary to protect water quality, the reduced discharge periods will be stated in the COC.

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### Section A. Effluent Limitations And Monitoring Requirements

c. Discharge Management

The discharge is to be managed consistent with the following requirements.

- 1) Cell Isolation - The permittee shall isolate a cell from cells receiving untreated sanitary wastewater at least two weeks in advance of a proposed discharge. There shall be no discharge to the surface waters from unisolated cells.
- 2) Pre-Discharge Sampling - The permittee shall sample the isolated cell for BOD<sub>5</sub>, Total Suspended Solids, Ammonia Nitrogen, Total Phosphorus, Fecal Coliform Bacteria and pH no more than two weeks in advance of a proposed discharge. Samples shall be drawn from a point approximately five feet from the edge of the cell and one foot beneath the water surface. All samples shall be grab samples.
- 3) Discharge Approval Required - The permittee shall notify and receive approval from the Department prior to the discharge of any effluent for each discharge event. The permittee shall supply the results of all pre-discharge effluent samples and the results of a Dissolved Oxygen sample taken within the last 12 hours prior to notification.
- 4) Discharge Duration - Multiple discharge events are authorized in the spring and fall of each year in accordance with Part I.A.1.b. above and the following provision. Discharge event duration shall not exceed 10 days within a 14 day period. The discharge may be continuous or intermittent during the event. After the discharge event is ended, the permittee shall wait a minimum of 7 calendar days prior to initiating a new discharge event.
- 5) Discharge Sampling Frequency - Flow and Dissolved Oxygen shall be measured daily during discharge. All other parameters shall be measured the first day and every other day during discharge including the last day of discharge. The Department may approve alternate sampling frequencies which are demonstrated to be representative of the discharge.
- 6) Discharge Sample Type and Location - The sampling for BOD<sub>5</sub>, Total Suspended Solids, Total Phosphorus and Ammonia Nitrogen shall be 3-portion composite samples or 24-hour composite samples of the effluent. The sampling for Dissolved Oxygen, Fecal Coliform Bacteria and pH shall be grab samples of the effluent.

d. Discharge Monitoring Reports

Monthly discharge monitoring reports shall be submitted for the months of October, November, December, March, April and May whether or not there has been a discharge. Daily discharge monitoring reports shall be submitted only during months a discharge occurred.

e. Security Fencing

The lagoon shall be enclosed by security fencing. The fencing shall include gates wide enough to accommodate mowing machinery. All gates shall be locked to prevent unauthorized access. Metal warning signs shall be posted on the fencing.

f. Water Treatment Additives

This permit does not authorize the discharge of water additives without approval from the Department. Approval of water additives is authorized under separate correspondence. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the permittee shall submit a request to the Department for approval. See Part I.A.5. for information on requesting water treatment additive use.

g. Construction Approval

This permit does not authorize the construction or modification of any physical structures of the wastewater treatment facility. The permittee shall receive any required approval of plans and

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### Section A. Effluent Limitations And Monitoring Requirements

specifications from the appropriate Department before commencing construction of the wastewater treatment facility necessary for compliance with this permit.

## 2. Facility Operation and Maintenance

The permittee shall comply with the inspection, operation and maintenance program requirements specified below. An alternate facility operations program may be approved by the Department.

### a. Lagoon Inspection

The permittee shall inspect the lagoon facilities three times weekly year-round unless otherwise authorized by the Department. These inspections shall include:

- 1) the lagoon dikes for vegetative growth, erosion, slumping, animal burrowing or breakthrough, and condition of lagoon liner;
- 2) the lagoon for growth of aquatic plants, offensive odors, insect infestations, scum, floating sludge, and septic conditions;
- 3) the depth of the water in each cell and the freeboard;
- 4) the drain pipe to ensure there is no discharge;
- 5) the control structures and pump stations to assure that valves, gates and alarms are set correctly and properly functioning;
- 6) the lagoon security fence and warning signs; and
- 7) analysis for Dissolved Oxygen in each lagoon cell at least one time weekly, except when the lagoons are ice covered. This data shall be kept as retained self-monitoring. See Part I.A.8.

The permittee shall initiate steps to correct any condition that is not in accordance with the facility maintenance program outlined in Part I.A.2.b. of this permit. A record of the inspections shall be maintained by the permittee for a period of three years.

### b. Facility Maintenance

The permittee shall implement a Facility Maintenance Program that incorporates the following management practices unless otherwise authorized by the Department.

- 1) Vegetation shall be maintained at a height not more than 6 inches above the ground on lagoon dikes and around the fencing.
- 2) Not more than 10% of the water surface shall be covered by floating vegetation and not more than 10% of the water perimeter may have emergent rooted aquatic plants.
- 3) Dike damage due to erosion or animal burrowing shall be corrected immediately and steps taken to prevent occurrences in the future.
- 4) The integrity of the lagoon liner shall be protected. Liner damages shall be corrected immediately and steps taken to prevent future occurrences.
- 5) The occurrence of scum, floating sludge, offensive odors, insect infestations, and septic conditions shall be minimized.
- 6) A schedule for the inspection and maintenance of the collection system, lift stations, mechanical and electrical systems, transfer stations, and control structures shall be developed and implemented.

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### Section A. Effluent Limitations And Monitoring Requirements

c. Lagoon Drawdown Conditions

The permittee shall observe the following conditions when drawing down a cell for transfer or discharge unless otherwise authorized by the Department.

- 1) Water discharged shall be removed from the surface two feet of the cell at a rate of less than one foot per day.
- 2) The permittee shall maintain a minimum of two feet of freeboard in all cells at all times.
- 3) The permittee shall maintain a minimum of two feet of water in all cells at all times.

### 3. Testing for Lagoon Exfiltration/Leakage

If the Department determines the permittee needs to conduct an exfiltration test on the wastewater stabilization lagoon to verify and assure the control of leakage to the groundwaters and/or surface waters of the state, the following conditions shall apply.

- a. The permittee shall submit an approvable lagoon exfiltration study plan to the Department on or before 120 days after receiving written notification from the Department. The purpose of the study plan is to verify the integrity of the lagoon seal or determine the rate of leakage from the lagoon treatment system. The study shall include procedures, time schedules, staff, sampling locations, sampling frequencies, and sampling methods used, as appropriate.
- b. The permittee shall begin implementation of the study plan on or before within 60 days of approval of the lagoon exfiltration study plan.
- c. The permittee shall complete the study plan and submit an approvable final report on the lagoon exfiltration study with supporting data to the Department on or before within one year of approval of the study plan. The Department will review the final report to determine whether the permittee must implement the corrective actions in items d., e., and f., below.
- d. Upon written notification by the Department, the permittee shall develop a work plan to address the exfiltration. Within 6 months of such notification, the permittee shall submit an approvable lagoon exfiltration remediation work plan to the Department. The purpose of the work plan is to control exfiltration from the lagoon treatment system. The study shall include remediation methods, procedures, time schedules, and staff, as appropriate.
- e. The permittee shall begin implementation of the work plan within 30 days of approval of work plan.
- f. The permittee shall complete implementation of the work plan and submit an approvable final report with supporting data to the Department on or before within one year of approval of the work plan. The final report shall include a plan and schedule for continued maintenance and monitoring of the lagoon treatment system.

### 4. Additional Final Effluent Limitation for Total Phosphorus

If the Department determines it is necessary to control phosphorus discharges to protect downstream water quality, the discharge shall be limited and monitored by the permittee as specified below. Such determination will be indicated in the COC.

Parameter	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration				Frequency Sample of Analysis Type
	Monthly	7-Day	Daily	Units	Monthly	7-Day	Daily	Units	
Total Phosphorus	---	---	---	---	1.0	---	---	mg/l	see A.1.c.5) Composite above

**PART I****Section A. Effluent Limitations And Monitoring Requirements****5. Request for Discharge of Water Treatment Additives**

In the event a permittee proposes to discharge water additives, the permittee shall submit a request to discharge water additives to the Department for approval. Such requests shall be sent to the Surface Water Assessment Section, Water Bureau, Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909, with a copy to the Department contact listed on the COC. Instructions to submit a request electronically may be obtained via the Internet (<http://www.michigan.gov/deq> and on the left side of the screen click on Water, Water Quality Monitoring, and Assessment of Michigan Waters; then click on the Water Treatment Additive List which is under the Information banner). Written approval from the Surface Water Assessment Section to discharge such additives at specified levels shall be obtained prior to discharge by the permittee. Additional monitoring and reporting may be required as a condition for the approval to discharge the additive.

A request to discharge water additives shall include all of the following water additive usage and discharge information:

- a. Material Safety Data Sheet;
- b. the proposed water additive discharge concentration;
- c. the discharge frequency (i.e., number of hours per day and number of days per year);
- d. the monitoring point from which the product is to be discharged;
- e. the type of removal treatment, if any, that the water additive receives prior to discharge;
- f. product function (i.e. microbiocide, flocculant, etc.);
- g. a 48-hour  $LC_{50}$  or  $EC_{50}$  for a North American freshwater planktonic crustacean (either *Ceriodaphnia sp.*, *Daphnia sp.*, or *Simocephalus sp.*); and
- h. the results of a toxicity test for one other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of Rule 323.1057(2) of the Water Quality Standards.

Prior to submitting the request, the permittee may contact the Surface Water Assessment Section by telephone at 517-335-1180 or via the Internet at the address given above to determine if the Department has the product toxicity data required by items g. and h. above. If the Department has the data, the permittee will not need to submit product toxicity data.

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#### 6. Untreated or Partially Treated Sewage Discharge Requirements

In accordance with Section 324.3112a of the Michigan Act, if untreated sewage, including sanitary sewer overflows (SSO) and combined sewer overflows (CSO), or partially treated sewage is directly or indirectly discharged from a sewer system onto land or into the waters of the state, the entity responsible for the sewer system shall immediately, but not more than 24 hours after the discharge begins, notify, by telephone, the Department, local health departments, a daily newspaper of general circulation in the county in which the permittee is located, and a daily newspaper of general circulation in the county or counties in which the municipalities whose waters may be affected by the discharge are located that the discharge is occurring.

The permittee shall also annually contact municipalities, including the superintendent of a public drinking water supply with potentially affected intakes, whose waters may be affected by the permittee's discharge of combined sewage, and if those municipalities wish to be notified in the same manner as specified above, the permittee shall provide such notification. Such notification shall also include a daily newspaper in the county of the affected municipality.

At the conclusion of the discharge, written notification shall be submitted in accordance with and on the "CSO/SSO Reporting Form" available via the internet at: [http://www.michigan.gov/deq/0,1607,7-135-3313\\_3682\\_3715---,00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3715---,00.html), or, alternatively for combined sewer overflow discharges, in accordance with notification procedures approved by the Department.

In addition, in accordance with Section 324.3112a of the Michigan Act, each time a discharge of untreated sewage or partially treated sewage occurs, the permittee shall test the affected waters for *Escherichia coli* to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments and to the Department. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The affected local county health department may waive this testing requirement, if it determines that such testing is not needed to assess the risk to the public health as a result of the discharge event. The results of this testing shall be submitted with the written notification required above, or, if the results are not yet available, submit them as soon as they become available. This testing is not required, if the testing has been waived by the local health department, or if the discharge(s) did not affect surface waters.

Permittees accepting sanitary or municipal sewage from other sewage collection systems are encouraged to notify the owners of those systems of the above reporting and testing requirements.

#### 7. Facility Contact

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
  - for a corporation, a principal executive officer of at least the level of vice president, or a designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the permit application or other NPDES form originates,
  - for a partnership, a general partner,
  - for a sole proprietorship, the proprietor, or
  - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.



## PART I

### Section A. Effluent Limitations And Monitoring Requirements

- b. A person is a duly authorized representative only if:
- the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
  - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

### 8. Monthly Operating Reports

Part 41 of Act 451 of 1994 as amended, specifically Section 324.4106 and associated Rule 299.2953, requires that the permittee file with the Department, on forms prescribed by the Department, reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into waters of the state. If the Department has determined that this provision is applicable, it will be indicated in the COC.

- a. For new facilities: Sixty (60) days prior to start-up of the treatment facility permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. The report forms and guidance are available on the DEQ website at [http://www.michigan.gov/deq/0,1607,7-135-3313\\_44117---,00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html). These forms shall be maintained on site and shall be provided to the Department for review upon request. These treatment facility monitoring records shall be maintained for a minimum of three years.
- b. For existing facilities: Within thirty (30) days of the effective date of the COC the permittee shall submit to the Department a treatment facility monitoring program to meet this requirement. Upon approval by the Department the permittee shall implement the treatment facility monitoring program. The reporting forms and guidance are available on the DEQ website at [http://www.michigan.gov/deq/0,1607,7-135-3313\\_44117---,00.html](http://www.michigan.gov/deq/0,1607,7-135-3313_44117---,00.html). These forms shall be maintained on site and shall be provided to the Department for review upon request. These treatment facility monitoring records shall be maintained for a minimum of three years.

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### Section A. Effluent Limitations And Monitoring Requirements

#### 9. Residuals Management Program for Land Application of Biosolids

It is understood the permittee does not currently land apply biosolids or prepare biosolids for land application, and therefore is not required to immediately develop a Residuals Management Program (RMP) in accordance with the Part 24 Rules of the Michigan Administrative Code. Alternative biosolids recycling and/or disposal activities, including incineration and landfiling, shall be conducted in accordance with Part II.D.7. of this permit. In the event the permittee proposes to prepare biosolids for land application or land apply biosolids, an RMP shall be submitted to the Department for approval, and implemented as follows:

a. Program Development

At a minimum, the program submittal shall include:

- 1) a description of the type and size of facility generating the biosolids;
- 2) a description of the biosolids treatment processes including the volume of biosolids generated from each process;
- 3) storage volume provided, if applicable;
- 4) transportation methods and spill prevention plan;
- 5) a description of the land application method;
- 6) a listing of the required information on all land application sites, information on initial application notifications required by R323.2408 and class B biosolids site restriction notifications, if applicable, as specified in R323.2414(3)(f);
- 7) a land application plan which shows compliance with the applicable management requirements identified in R323.2410 and the loading rates and limitations as specified in R323.2408, R323.2409 and R323.2417;
- 8) a description of the pathogen reduction method used to comply with R323.2411, R323.2414 and R323.2418;
- 9) a description of the vector attraction reduction method used to comply with R323.2415; and
- 10) information on monitoring program, monitoring frequencies pursuant to R323.2412, and one year of records representing the volume and concentrations of pollutants in the biosolids.

b. RMP Implementation

The permittee shall implement the RMP immediately upon approval from the Department. Upon RMP approval, the permittee may land apply bulk biosolids, and the approved RMP becomes an enforceable requirement of this permit.

c. Modifications to the Approved RMP

The permittee shall submit proposed modifications to its RMP to the Department for approval. The approved modification shall become effective upon the date of approval. Upon written notification, the Department may impose additional requirements and/or limitations to the approved RMP as necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

d. Recordkeeping

Records required by R323.2413 shall be kept for a minimum of five years. However, the records documenting cumulative loading for sites subject to cumulative pollutant loading rates shall be kept as long as the site receives biosolids.

e. Annual Report

The permittee shall report the number of dry tons of biosolids generated that were applied to the land in the State of Michigan in the state fiscal year (October 1 through September 30). The annual report shall include information required in R323.2413(2)(h) and R323.2413 (3) to (8), except R323.2413 (6)(b), (7)(b), and (8)(b). The report shall be submitted to the Department on or before October 30 of each year.

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### Section A. Effluent Limitations And Monitoring Requirements

#### 10. Expiration and Reissuance

On or before October 1, 2013, a permittee seeking continued authorization to discharge under this permit beyond the permit's expiration date shall submit to the Department a written request containing such information, forms and fees as required by the Department. Without an adequate request, a permittee's authorization to discharge will expire on April 1, 2014. With an adequate request, a permittee shall continue to be subject to the terms and conditions of the expired permit until the Department takes action on the request unless this permit is terminated or revoked.

If this permit is terminated or revoked, all authorizations to discharge under the permit shall expire on the date of termination or revocation.

If this permit is modified, the Department will notify the permittee of any required action. Without an adequate response, a permittee's authorization to discharge will terminate on the effective date of the modified permit. With an adequate response, a permittee shall be subject to the terms and conditions of the modified permit on the effective date of the modified permit unless the Department notifies the permittee otherwise.

If a discharge is terminated, the permittee shall request termination of discharge authorization.

#### 11. Requirement to Obtain Individual Permit

The Department may require any person who is authorized to discharge by a COC and this permit, to apply for and obtain an individual NPDES permit if any of the following circumstances apply:

- a. the discharge is a significant contributor to pollution as determined by the Department on a case-by-case basis;
- b. the discharger is not complying or has not complied with the conditions of the permit;
- c. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of waste applicable to the point source discharge;
- d. effluent standards and limitations are promulgated for point source discharges subject to this permit; and
- e. the Department determines that the criteria under which the permit was issued no longer apply.

Any person may request the Department to take action pursuant to the provisions of Rule 2191 (Rule 323.2191 of the Michigan Administrative Code).

**PART I****Section A. Effluent Limitations And Monitoring Requirements****12. Industrial Waste Pretreatment Program for Publicly Owned Treatment Works**

It is understood that the permittee does not receive the discharge of any type or quantity of substance which may cause interference with the operation of the treatment works; and, therefore, the permittee is not required to immediately develop an industrial pretreatment program in accordance with Section 307 of the Federal Act. The permittee is required to comply with Section 307 of the Federal Act upon accepting any such discharge for treatment. The permittee is required to notify the Department within thirty days if any user discharges or proposes to discharge such wastes to the permittee for treatment.

Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

- a. pollutants which cause pass through or interference;
- b. pollutants which create a fire hazard or explosion hazard in the sewerage system, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
- c. pollutants which will cause corrosive structural damage to the sewerage system; but in no case, discharges with pH less than 5.0, unless the works is specifically designed to accommodate such discharges;
- d. solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewerage system resulting in interference;
- e. any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment plant;
- f. heat in amounts which will inhibit biological activity in the treatment plant resulting in interference; but in no case, heat in such quantities that the temperature at the treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Department, upon request of the permittee, approves alternate temperature limits;
- g. pollutants which result in the presence of toxic gases, vapors or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems; and
- h. any trucked or hauled pollutants, except at discharge points designated by the permittee.

If information is gained by the Department that the permittee receives or is about to receive industrial wastes, then the permittee may be required to obtain an individual permit see Part I.A.11.

**13. Industrial Waste for Non-publicly Owned Treatment Works**

Under no circumstances shall the permittee allow introduction of waste into the sewerage system other than domestic sewage generated by the facility named on the COC

## PART II

### Section A. Definitions

This list of definitions may include terms not applicable to this permit.

**Acute toxic unit (TU<sub>A</sub>)** means  $100/LC_{50}$  where the  $LC_{50}$  is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

**Bioaccumulative chemical of concern (BCC)** means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

**Biosolids** are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

**Bulk biosolids** means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

**Chronic toxic unit (TU<sub>C</sub>)** means  $100/MATC$  or  $100/IC_{25}$ , where the maximum acceptable toxicant concentration (MATC) and  $IC_{25}$  are expressed as a percent effluent in the test medium.

**Class B Biosolids** refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

**Daily concentration** is the sum of the concentrations of the individual samples of a parameter divided by the number of samples taken during any calendar day. If the parameter concentration in any sample is less than the quantification limit, regard that value as zero when calculating the daily concentration. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations (except for pH and dissolved oxygen). When required by the permit, report the maximum calculated daily concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the Discharge Monitoring Reports (DMRs).

For pH, report the maximum value of any individual sample taken during the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs and the minimum value of any individual sample taken during the month in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. For dissolved oxygen, report the minimum concentration of any individual sample in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

**Daily loading** is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMRs.

**Department** means the Michigan Department of Environmental Quality.

**Detection Level** means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

## PART II

### Section A. Definitions

**Discharge Event** is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 10 to 14 day period.

**EC<sub>50</sub>** means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

**Fecal coliform bacteria monthly** is the geometric mean of the samples collected during a discharge event. Days with no discharge shall not be used to determine the value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. If the period in which the discharge event occurred was partially in each of two months, the monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

**Fecal coliform bacteria 7-day** is the geometric mean of the samples collected in any 7-day period during a discharge event. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs. If the seven day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

**Flow Proportioned sample** is a composite sample with the sample volume proportional to the effluent flow.

**Geometric Mean** is the average of the logarithmic values of a base 10 data set, converted back to a base 10 number.

**Grab sample** is a single sample taken at neither a set time nor flow.

**IC<sub>25</sub>** means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

**Interference** is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference.]

**Land Application** means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

**LC<sub>50</sub>** means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

**Maximum acceptable toxicant concentration (MATC)** means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

## PART II

### Section A. Definitions

**MGD** means million gallons per day.

**Monthly frequency of analysis** refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

**Monthly concentration** is the sum of the daily concentrations determined during a discharge event divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR. If the seven day period was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity  $[1 \text{ minus the quantity (monthly effluent concentration divided by the monthly influent concentration)}]$ , shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

**Monthly loading** is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a discharge event. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR. If the seven day period was partially in each of two months, the monthly average shall be reported on the DMR of the month in which the last day of discharge occurred.

**National Pretreatment Standards** are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

**No observed adverse effect level (NOAEL)** means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

**Noncontact Cooling Water** is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

**Nondomestic user** is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

**Partially treated sewage** is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's National Pollutant Discharge Elimination System permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

**Pretreatment** is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

**POTW** is a publicly owned treatment works.

**Quantification level** means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

## PART II

### Section A. Definitions

**Quarterly frequency of analysis** refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

**Regional Administrator** is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

**Significant industrial user** is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

**Tier I value** means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

**Tier II value** means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

**Toxicity Reduction Evaluation (TRE)** means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

**Water Quality Standards** means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

**Weekly frequency of analysis** refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

**Yearly frequency of analysis** refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

**24-Hour Composite sample** is a flow proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period.

**3-Portion Composite sample** is a sample consisting of three equal volume grab samples collected at equal intervals over an 8-hour period.

**7-day concentration** is the sum of the daily concentrations determined during any 7 days of discharge during a discharge event divided by the number of daily concentrations determined. If the number of days of the discharge event is less than 7 days the number of actual days of discharge shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the month in the "MAXIMUM" column under "QUALITY OR CONCENTRATION" on the DMR. If the seven day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.



## PART II

### Section A. Definitions

**7-day loading** is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during any 7 consecutive days. If the number of days of the discharge event is less than 7 days the number of actual days of discharge shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the month in the "MAXIMUM" column under "QUANTITY OR LOADING" on the DMR. If the seven day period in which the discharge event occurred was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

## **PART II**

### **Section B. Monitoring Procedures**

#### **1. Representative Samples**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

#### **2. Test Procedures**

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Federal Act (40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Chief of the Permits Section, Water Bureau, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

#### **3. Instrumentation**

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

#### **4. Recording Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

#### **5. Records Retention**

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

## PART II

### Section C. Reporting Requirements

#### 1. Start-up Notification

If the permittee will not discharge during the first 60 days following the effective date of the facility's COC, the permittee shall notify the Department within 14 days following the effective date of the COC, and then 60 days prior to the commencement of the discharge.

#### 2. Submittal Requirements for Self-Monitoring Data

Part 31 of Act 451 of 1994, as amended, specifically Section 324.3110(3) and Rule 323.2155(2) of Part 21 allows the department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self Monitoring" the permittee shall submit self-monitoring data via the Michigan DEQ Electronic Environmental Discharge Monitoring Reporting (**e2-DMR**) system.

The permittee shall utilize the information provided on the **e2-Reporting** website @ <https://secure1.state.mi.us/e2rs/> to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the department no later than the **20<sup>th</sup> day of the month** following each month of the authorized discharge period(s).

#### 3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department (Department as defined on the COC). Retained self-monitoring results are public information and shall be promptly provided to the public upon written request from the public.

The permittee shall certify, in writing, to the Department, on or before January 10th of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee.

Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

#### 4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

Monitoring required pursuant to Part 41 of the Michigan Act or Rule 35 of the Mobile Home Park Commission Act (Act 96 of the Public Acts of 1987) for assurance of proper facility operation shall be submitted as required by the Department.

## PART II

### Section C. Reporting Requirements

#### 5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a written notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

#### 6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

- a. 24-hour reporting - Any noncompliance which may endanger health or the environment (including maximum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

#### 7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the COC, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

## PART II

### Section C. Reporting Requirements

#### 8. Upset Noncompliance Notification

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset, shall notify the Department by telephone within 24-hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated; and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

#### 9. Bypass Prohibition and Notification

- a. Bypass Prohibition - Bypass is prohibited unless:
  - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
  - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass - The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated in the COC (if the notice is provided after regular working hours, use the following number: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.
- d. Written Report of Bypass - A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.

## PART II

### Section C. Reporting Requirements

- e. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.10. of this permit.
- f. Definitions
  - 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

### 10. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the COC for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

### 11. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.12.; and 4) the action or activity will not require notification pursuant to Part II.C.10. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

### 12. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of Rules 323.1098 and 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

**PART II****Section C. Reporting Requirements****13. Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

## PART II

### Section D. Management Responsibilities

#### 1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the facility's COC (COC). The discharge of any pollutant identified in this permit and/or the facility's COC more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit and the facility's COC. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit or the facility's COC constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### 2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act.

#### 3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

#### 4. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

#### 5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.



## PART II

### Section D. Management Responsibilities

#### 6. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code). For a Publicly Owned Treatment Work (POTW), these facilities shall be approved under Part 41 of the Michigan Act.

#### 7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

#### 8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

#### 9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

## PART II

### Section E. Activities Not Authorized by This Permit

#### 1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the Michigan Act.

#### 2. Facility Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities. Approval for such construction for a POTW must be by permit issued under Part 41 of the Michigan Act. Approval for such construction for a mobile home park, campground or marina shall be from the Water Bureau, Michigan Department of Environmental Quality. Approval for such construction for a hospital, nursing home or extended care facility shall be from the Division of Health Facilities and Services, Michigan Department of Consumer and Industry Services upon request.

#### 3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

#### 4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

#### 5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Federal Act.

#### 6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environmental Quality permits, or approvals from other units of government as may be required by law.